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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65807

ITO, EIZO, et al.

Appln. No.: 09/929,066

Group Art Unit: 1761

Confirmation No.: 8907

Examiner: Keith D. Hendricks

Filed: August 15, 2001

For: SUPEROXIDE SCAVENGER AND BEVERAGE CONTAINING SUCH

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$55.00 (small entity) is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 17, 2004



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Alexandria, VA 22313-1450

Sir:

The undersigned, on behalf of the petitioner, SHINEI FERMENTEC CORPORATION, represents that the petitioner, SHINEI FERMENTEC CORPORATION is the owner of the entire right, title and interest of U.S. Application No. 09/929,064, filed on August 15, 2001 for COSMETICS by virtue of an Assignment from all of the inventors thereof executed on October 5, 2001, recorded on October 16, 2001 at Reel 012264, Frame 0830, now issued as U.S. Patent 6,699,487 as well as the entire right, title and interest in the above-captioned U.S. Application No. 09/929,066 by virtue of an Assignment from all of the inventors thereof executed on July 3, 2001, and October 5, 2001, recorded on October 16, 2001, at Reel 012262, Frame 0787.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

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Terminal Disclaimer

U.S. Patent Application Ser. No.: 09/929,066

Attorney Docket No.: Q65807

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 09/929,066 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,699,487, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 09/929,066 shall be enforceable only for and during such period that the legal title to U.S. Patent 6,699,487 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 09/929,066, this agreement to run with any patent granted on the above-captioned U.S. Application No. 09/929,066 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 09/929,066 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,699,487 in the event that U.S. Patent 6,699,487 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Terminal Disclaimer

U.S. Patent Application Ser. No.: 09/929,066

Attorney Docket No.: Q65807

The undersigned whose signature and title appear below is empowered to act on behalf of petitioner.


Respectfully submitted,

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